IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT APPEAL NO : 1420 of 2004

Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05/08/2004 in WP NO : 12896 OF 2004 on the file of the High Court.

Between:

APSRTC rep., by its Depot Manager, Siddipet, Medak District.

..... APPELLANT

AND

Sri B.Bhoomaiah, S/o B.Durgaiah,
R/o 11-2-10/4, Bharatnagar, Siddipet,
Medak District.

.....RESPONDENT

Counsel for the Appellant: MR.P.VINAYAKA SWAMY

Counsel for the Respondent: MR.G.VIDYA SAGAR

The Court made the following:

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT APPEAL NO.1420 OF 2004

JUDGMENT: (Per The Hon'ble Sri Justice Goda Raghuram)

The Andhra Pradesh State Road Transport Corporation has filed this appeal against the order of the learned single Judge dated 05.08.2004 in W.P.No.12896 of 2004.

The writ petition was filed by a conductor, who was charged by charge sheet dated 05.07.2004 of having come to the depot at 6.30 hours on 24.06.2004 instead of 9.00 hours, which is the scheduled time, on the route–Siddipet to Hyderabad and for not having maintained the schedule and departure timings and thereby neglecting his duties, constituting misconduct under the APSRTC Employees (Conduct) Regulations, 1963. In relation to the said allegation he was also placed under suspension on 05.07.2004. Assailing the suspension, the respondent-employee filed the said writ petition.

The learned single Judge found that the allegations against him are not so serious as to justify suspension pending enquiry and that public interest is served by expeditious conduct of the enquiry without necessarily placing the respondent herein under

suspension. It is also made clear in the order under appeal that on conclusion of the enquiry against the respondent, appropriate orders could be passed.

It is represented that pursuant to the order of this court dated 05.08.2004 allowing the writ petition, the respondent herein was reinstated into service on 05.08.2004.

In the totality of the facts and circumstances of the case, as the respondent has been reinstated into service and the charge against him cannot be said to be of a magnitude that warrants suspension pending enquiry, we are not inclined to interfere with the order passed by the learned single Judge, in this appeal.

The appellant may expeditiously conclude the enquiry. Nothing in the order of the learned single Judge of this court or in this appeal shall be construed as an observation on the merits of the enquiry to be held against the respondent or in respect of the quantum of punishment that may be imposed on him, if in such enquiry, the respondent is found guilty as charged.

The writ appeal is accordingly dismissed. There shall be no order as to costs.

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J.CHELAMESWAR, J

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GODA RAGHURAM, J

Dated 20th September, 2004.
YCR/CS

To

1. 2 C.D copies.